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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,381	08/27/2003	Michael K. Aghajanian	M-104-D	4609
7590	10/07/2004		EXAMINER	
Jeffrey R. Ramberg M Cubed Technologies, Inc. 1 Tralee Industrial Park Newark, DE 19711			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

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Please find below and/or attached an Office communication concerning this application or proceeding.



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In re Application of AGHAJANIAN ET AL.

Appl. No.: 10/649,381

Filed: August 27, 2003

For:

**CERAMIC-RICH COMPOSITE ARMOR, AND
METHODS FOR MAKING SAME**

**RESPONSE TO PETITION
UNDER 37 CFR 1.59**

This is a response to the petition under 37 CFR 1.59(b), filed 03/15/2004 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that references to U.S. applications 10/217,312 and 60/524,916 on a form 1449, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

MICHAEL J. [unclear]
SUPERVISORY PATENT EXAMINER